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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

MARCELO HERNANDEZ-
GUATEMALA,
Defendant.

Case No. 15-152 M

ORDER OF DETENTION

I.

The Court conducted a detention hearing:

☐ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
allegedly involving

☐ On motion by the Government or on the Court's own motion
[18 U.S.C. § 3142(f)(2)] in a case allegedly involving

The Court concludes that the Government is not entitled to a rebuttable
presumption that no condition or combination of conditions will reasonably assure
the defendant's appearance as required and the safety or any person or the
community [18 U.S.C. § 3142(e)(2)].

II.

The Court finds that no condition or combination of conditions will reasonably assure: ☐ the appearance of the defendant as required.

☒ the safety of any person or the community.

If presumption applies,

III.

The Court has considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the history and characteristics of the defendant; and (d) the nature and seriousness of the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also considered all the evidence adduced at the hearing and the arguments, the arguments of counsel, and the report and recommendation of the U.S. retrial Services Agency.

IV.

The Court bases its conclusions on the following:

As to risk of non-appearance:

- ☐ Lack of bail resources
- ☐ Refusal to interview with Pretrial Services
- ☐ No stable residence or employment
- ☐ Previous failure to appear or violations of probation, parole, or release
- ☐ Ties to foreign countries
- ☐ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- ☐

1 As to danger to the community:

- 2 ☒ Nature of previous criminal convictions
3 ☒ Allegations in present charging document
4 ☐ Substance abuse
5 ☐ Already in custody on state or federal offense
6 ☐ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
7 ☒ Insufficient bond resources to be presented from employer and
8 family friend

9 V.

- 10 ☐ The Court finds a serious risk that the defendant will
11 ☐ obstruct or attempt to obstruct justice.
12 ☐ threaten, injure or intimidate a prospective witness or juror, or
13 attempt to do so.

14 The Court bases its conclusions on the following:

15
16 VI.

17 IT IS THEREFORE ORDERED that the defendant be detained until trial.

18 The defendant will be committed to the custody of the Attorney General for
19 confinement in a corrections facility separate, to the extent practicable, from
20 persons awaiting or serving sentences or being held in custody pending appeal.

21 The defendant will be afforded reasonable opportunity for private consultation
22 with counsel. On order of a Court of the United States or on request of any
23 attorney for the Government, the person in charge of the corrections facility in
24 which defendant is confined will deliver the defendant to a United States Marshal

1 for the purpose of an appearance in connection with a court proceeding.

2 [18 U.S.C. § 3142(i)]

3
4 Dated: February 9, 2015

A handwritten signature in black ink, appearing to read 'Michael R. Wilner', written over a horizontal line.

HON. MICHAEL R. WILNER
UNITED STATES MAGISTRATE JUDGE